

CACJ Timeline: 1973 – 2013

Forty Years of fighting for Freedom, Equal Protection and Due Process for All

1973-74: Ephraim Margolin

- George Porter, tired of seeing the needs of criminal defense lawyers ignored, writes a letter to criminal defense attorneys throughout California proposing a statewide criminal defense organization. In September, 60 defense lawyers meet to discuss the need for such an organization. California Attorneys for Criminal Justice is born. In October, CACJ's first President, Ephraim Margolin, edits the initial issue of a new publication intended solely for criminal defense attorneys entitled FORUM.
- CACJ grows so rapidly that the Board of Governors decides to hire a part-time Executive Director for \$200/month. Harry Humphreys is selected, and his duties include editing FORUM.
- On June 29th, CACJ presents its first Criminal Law Seminar at the Marriott Hotel in Los Angeles.
- December 6th marks CACJ's first annual meeting. Held at the St Francis Hotel in San Francisco, it is followed the next day by CACJ's first Fall Seminar, a tradition that will continue for the next 40 years – and beyond.

1975: Paul Fitzgerald

- Excerpt from the President's Fall Seminar Address:

We had an idea – it was not as majestic as a dream; simply an idea. It was an idea to join together.

We are not joiners. We are proud, tough individuals. We had seen these organizations before. They were little more than chowder and marching societies. They were social clubs that entertained judges and included within their membership district attorneys and other prosecutors. We were skeptical.

People told us that it could not be done. There were too many big egos. The state was too large, too diversified and the problems so different in many areas. We were also told that our organization was not self-interested enough. People had the temerity to suggest that such an organization would be self-defeating. If we were able to help people who were accused of crime through legislation and otherwise, we would lose money.

We did it however. We started with goals to change the police/prosecutor monologue into a dialogue. We had a goal to tell the other side of the story to the Legislature, to the courts and to other lawyers, and we further promised to bind together to help one another with common problems. We succeeded and we succeeded beyond our expectations. – Paul Fitzgerald

- Law Student members become eligible for CACJ membership which now stands at 700.

1976: George Porter (deceased)

- CACJ membership reaches 1000. The seminars are unequalled in their excellence, drawing huge crowds, particularly the Fall seminar in San Francisco.
- With the August-September 1976 issue, FORUM's first "glossy" issue, editorship is assumed by attorney Howard Bechefskey

1977: Louis Katz

- The August-September issue of FORUM features an interview with Supreme Court Associate Justice Wiley Manuel, beginning a tradition of FORUM interviews.
- The first awards for Significant contributions to the Field of Criminal Justice is presented to the former California Supreme Court Chief Justice Donald R. Wright.

1978: Barry Tarlow

- Charles Sevilla becomes editor of FORUM
- March marks the first CACJ/CPDA Death Penalty Defense Seminar. Attendees receive a death penalty manual consisting of two volumes of law and motions that is almost 1,000 pages in length.

1979: Charles Garry (deceased)

- CACJ Foundation is incorporated on April 6th. Article II:
The specific and primary purpose for which this corporation is organized is to improve the quality of criminal justice by engaging in activities designed to educate judges attorneys and members of the public and by developing and disseminating a body of new knowledge about the criminal justice system. This corporation shall be operated in connection with California Attorneys for Criminal Justice.
- Great Moments in Court History makes its first appearance in the January-February issue of FORUM.
- In mid-1979, a disbarred lawyer from New York, John Wilkes, walks into the CACJ office offering a manuscript on defense tactics and ethics for publication. Editor Sevilla throws him out, but not before Wilke's manuscript is rescued by the CACJ staff. It is published in the September-October issue.
- Winston K. Schoonover, formerly an associate in John Wilke's law firm, reads his former boss's article, and decides to share his memories with the rest of CACJ. His story appears in the November-December 1979 issue of FORUM – Wilkesworld is born.
- CACJ membership grows to 1,400 members, including 81 law student members.
- Membership in CACJ is extended to allied professionals under the "Associate Member" category.

1980: Charles M. Sevilla

- Anita Susan Brenner becomes editor of FORUM.
- CACJ takes the lead in organizing a coalition that results in the prevention of numerous disasters in Sacramento, including: the proposed elimination of the diminished capacity defense; and the limitation of punitive damages in civil actions against police officers for excessive use of force, false imprisonment and false arrest.

1981: Dennis Roberts

- CACJ increases its legislative activities, sponsoring AB 1464 (Bates). This bill, which would have allowed defendants to make restitution in lieu of imprisonment in non-violent felonies, passed the Assembly Criminal Justice Committee but subsequently died in the Assembly Ways and Means Committee.

1982: John J. Cleary

- CACJ holds press conferences in Los Angeles and Sacramento to announce the formation of Californians for Responsible Law Enforcement in the campaign against Prop 8, the Gann *
- CACJ legislative activities finally meet with success when two CACJ-sponsored bills are enacted by the California Legislature AB 2072 (Levine), which makes an addition to PC Section 1000, establishing a model diversion program, and AB 2494 (Floyd) which amends PD Section 1298 to allow the posting of real property as security for bail regardless of whether the property is technically held in the defendant's name.
- Proposition 8 hits California. CACJ publishes the 412-page *Prop 8 Handbook*, distributed at the annual Fall Seminar.

1983: Gerald Uelmen

- CACJ President Gerry Uelmen writes in the March-April issue of FORUM of a dangerous initiative being planned called the Speedy Trial initiative. He voices concern about its draconian provisions which include: Hearsay preliminary hearings, the elimination of attorney-conducted voir-dire; nullification of *Hovey and Hawkins*; and non-unanimous juries. CACJ members attack the use of public funds by district attorneys in gathering signatures for the initiative in a civil suit filed in Los Angeles. As a result, the backers are unable to gather the necessary signatures, and the initiative does not qualify for the ballot.
- In October Anne Fragasso becomes editor of FORUM.
- CACJ celebrates its 10th Anniversary at the Fall Seminar in San Francisco. Chief Justice Rose Bird, Justice Stanley Mosk, Federal District Judge Alcee Hastings, Fred Korematsu, Gerry Spence, Bobby Lee Cook and Leonard Weinglass all contribute to the festivities

1984: Michael G. Millman

- CACJ publishes its first Expert Witness Manual, providing practitioners names of over 500 experts in 50 categories. This year also marks the publication of the third edition of CACJ's *Complete Sentencing Handbook*.
- CACJ holds its second Summer Retreat in Santa Cruz. Special guests include Flip Wilson and Geraldine.

1985: Robert Berke (deceased)

- The CACJ Amicus Committee, long recognized as the most vigorous and effective criminal defense amicus voice in California, filing over 100 amicus briefs a year, reaches new highs: amicus briefs are filed in the United States Supreme Court, California Supreme Court and several District Courts of Appeal, federal district courts and the 9th Circuit Court of Appeals, the 8th Circuit Court of Appeals, the 7th Circuit Court of Appeals and the North Carolina Supreme Court. By 1991 the CACJ Amicus Committee will file over 1,500 briefs, a tribute to its longtime chair, Ephraim Margolin.
- Membership renewal rate rises from 665 (in 1983) to 80%
- *Twelve Angry Men* is shown as a fund-raiser for the CACJ Foundation and is attended by 180 people, netting over \$1,000.
- The Contempt Committee is expanded to include an Attorney Assistance Program. The expanded program will be available to attorneys facing grand jury subpoenas, pretrial disqualification motions, harassment or other difficulties. A hotline is also established to put CACJ members in touch with other members who have special expertise in particular areas of the law such as entrapment, sexual molestation, etc.

- CACJ presents “mini-seminars” on “Defense of Child Sexual Abuse Cases,” at four locations throughout the state. The seminar syllabus will prove a top-selling publication for the next 5 years!

1986: Alex Landon

- The politics of fear and deception raises its ugly head with the campaign to oust Chief Justice Rose Bird and Justices Joseph Grodin and Cruz Reynoso. CACJ President, Alex Landon, compares this threat to the independent judiciary to the establishment of the lawless “Special Section” court during the Nazi occupation of France, which existed only to implement the government’s agenda:

Those who would say, “Oh, that happened under the Nazis, it can’t happen here.” Had better look to the agenda of the people currently trying to replace judges at all levels with individuals who are more result-oriented and will not be deterred by the law... We are communicators and must utilize our communications skills, both oral and written, to counter the lies of those who would destroy our independent judiciary and the rights which protect all of us.

- FORUM’s new design, with a two-color cover, debuts with the January-February issue.
- The now widely-used Attorney Contempt Kit becomes available at a special seminar entitled “Defense Attorneys Under Siege” Offensive Strategies for Offensive Times.”

1987: Richard G. Hirsch

- After having debated the issue over several years, the CACJ Board of Governors decides to employ a full-time lobbyist to run our legislative program in Sacramento. Melissa Nappan is hired, marking the beginning of CACJ’s emergence as an important player in the Capitol scene.

1988: Thomas Nolan

- CACJ grabs headlines throughout California as it leads the attack on the notorious Los Angeles jail-house informant scandal.
- The first CACJ Trial Advocacy Workshop is held at the Asilomar Conference Center in Pacific Grove. The program is wildly successful, topped off by a dinner dance at the beautiful Monterey Aquarium where music is provided by the widely acclaimed New Butte Creek Sextet.
- Foreseeing that CACJ’s regular income is not keeping up with the expenses of its many membership services and expanded legislative activities, the Board undertakes a major fund-raising event, the drawing at the Fall Seminar for a Mazda. This venture raises a whopping \$31,000 for CACJ.

1989: Leslie H. Abramson

- When Governor Deukmejian nominates Harvey Zall to be the new State Public Defender, CACJ undertakes formal opposition to his nomination in the Senate, despite being told that Zall is a virtual shoo-in. CACJ’s clout in Sacramento is confirmed when Zall withdraws his name from consideration in February. An unnamed deputy state public defender writes CACJ:

The history of criminal defense is bejeweled with inspiring tales of lawyers who put their personal needs and benefits to one side as they stuck their necks out in furtherance of an ideal. That’s what drew a lot of us into this practice. Whenever I feel pride in our brotherhood-sisterhood of great lawyers, I’ll always think of [CACJ] ...I’ll also smile for a change when I write my annual check for CACJ dues.

- After helping to expose the widespread use of unreliable jailhouse informants during the investigation of Leslie White (aka the Los Angeles informant scandal), CACJ introduces legislation in Sacramento, affectionately called the Jail House Snitch bill. This bill is the first legislation in California history that imposes requirements on prosecutors relating to jailhouse informants.

1990: Elisabeth Semel

- CACJ raises over a quarter of a million dollars in the fight to defeat the misnamed Victims' bill of Rights initiative, Proposition 115. Members throughout the state volunteer to speak, write and meet with editorial boards in the attempt to derail Prop 115.
- Although unsuccessful, CACJ learns valuable lessons from the Prop. 115 campaign. The Public Information Committee is expanded and strengthened, becoming a model that is copied by other organizations. The CACJ Foundation is bolstered for the purpose of educating the public about the role of the criminal defense lawyer and the Constitution.
- CACJ rushes to prepare defense lawyers for the changes instituted by Prop. 115 with seminars in Los Angeles, San Diego and Palo Alto. Over 1,100 attorneys are urged by seminar speakers to take a stand against prosecutorial discovery (and other provisions of dubious constitutionality).
- The CACJ/CPDA Death Penalty Defense Seminar is by now the most successful program of its kind in the nation; lawyers from every state that has capital punishment have attended. The *CACJ/CPDA California Death Penalty Defense Manual*, edited by Bryan Shechmeister, has become a separate publication of five volumes that includes motions on diskette, making it the most advanced treatise on death penalty law in the nation.

1991: Michael Rothschild

- CACJ's Public Information Committee and the CACJ Foundation produce the highly acclaimed series of public service announcements (PSAs) featuring actor Richard Dysart (L.A. Law) in celebration of the 200th anniversary of the Bill of Rights. The PSAs are shown in entirety to the membership at the Fall "Bill of Rights" seminar and win the 1991 Pirate award for the best national media campaign.
- Attendance at the Annual CACJ/CPDA Death Penalty Defense seminar, held in Monterey, surpasses 1,050.
- With the institution of mandatory education requirements for lawyers in California, CACJ becomes an approved provider of Minimum Continuing Legal Education credits and plans six major statewide seminars for 1992.

1992: Philip H. Pennypacker

- The first Death Penalty College, for training lawyers who are handling their first capital cases, is held at the University of Santa Clara Law School in August. This intensive program is an overwhelming success. It is named in honor of the late Bryan Shechmeister, a CACJ member who was an instigator of the college and a source of inspiration to the entire capital defense community, he will be remembered gratefully during each session of the Bryan R. Shechmeister Death Penalty College.
- The CACJ Newsletter is created to keep membership informed about CACJ action and provide a medium for exchanging information.
- CACJ contributes \$10,000 to an ACLU-coordinated media campaign to sway public opinion and avert the execution of Robert Alton Harris, a victim of fetal alcohol syndrome. CACJ members rally with organizers from Death Penalty Focus, protesting the reinstatement of state-sanctioned

murder. On April 21st, Harris becomes the first person to have been executed in California since 1967.

1993: James Larson

- CACJ lobbies hard against the California District Attorneys' Association' proposed asset forfeiture law because of it's draconian provisions. Members work with our lobbyist to bring the abuses of asset forfeiture to the attention of the public and the legislature. Attorney General Dan Lungren joins in the fray, lobbying for the District Attorneys bill. After being badly out-manuevered, the CDAA bill is routed, dying on the Assembly floor.
- CACJ expands the summer Trial Advocacy workshop to include a simultaneous Appellate Advocacy workshop. The workshops are attended by 100 registrants who kick off the weekend by rockin' with the Barry Melton Band at the Monterey Bay Aquarium.
- CACJ sponsors its first Federal Practice Seminar and attracts 1q50 lawyers from throughout the state who give the program rave reviews.
- New editions of the Complete Sentencing Handbook and the Contempt Defense Manual are published by CACJ, the former in hard cover - CACJ's first!); and the latter with an optional computer diskette to expedite the production of motions.

1994: James Thomson

- At the hands of Chief Justice Malcolm Lucas, the automatic appeal affirmance rate reached 95% and the habeas corpus denial rate rose to 98% in death penalty cases. These astronomical percentage rates made the California Supreme Court, "the killing field" of capital jurisprudence.
- The California Supreme Court's homogeneity of judicial philosophy contributed to its decline as a leading court in the nation. Legal observers noted that the Court had become institutionally minded, speaking with a single institutional voice.
- California faced a crisis over adequate representation on appeal and in state habeas proceedings in death penalty cases. 106 persons on death row were without counsel - a substantial increase since the California Supreme Court took over the attorney recruitment process.
- This injustice was not lost on all members of the Supreme Court. In a capital case, Justice Mosk observed: "I write primarily for the benefit of my federal colleagues. I deeply regret that petitioner must turn to another forum to vindicate his federal constitutional rights." *In re Jackson*, 3 Cal 4th 578, 617 (1992), (Mosk, J. dissenting.)
- In another case, Justice Mosk penned: "Did this scenario occur in a communist dictatorship? Under a military junta? Or perhaps in a Kafka novel? No, this is grim reality in California in the final decade of the 20th century." *People v. Hobbs*, 7 Cal.4th 948, 977-978 (1994), (Mosk, J. dissenting.)
- Proposition 184 - the Three Strike Initiative - was approved, strengthening the legislation passed the same year. Proposition 184 became the harshest three strike sentencing law in the United States.
- Proposition 187 - the ballot initiative to establish a state-run citizenship screening system - was approved and being considered as a national referendum. Mexican President Carlos Salinas de Gortari criticized the ballot proponents as "the voices of intolerance."
- Proposition 190 - the ballot initiative to wrest the disciplinary power of judges away from the California Supreme Court and give it to the Commission on Judicial Performance - was approved by a landslide.

1995: Anne Fragasso

- The passage of AB560, which permitted fourteen year olds to be tried as adults in California, set the tone for my year as president of CACJ. In a Forum column entitled Not the Year of the Child, I berated the legislature and the governor for playing politics with children's lives and shamefully ignoring the obvious developmental differences between adults and children. In an effort to turn the tide and forestall the further dismantling of our juvenile justice system, CACJ committed itself both to fighting the slew of draconian juvenile legislation that was being churned out by prosecutors and to preparing our members to represent the children who now found themselves in the state's criminal courts.
- CACJ's legislative committee and our legislative advocate did a masterful job of stemming the tide, and many very bad bills were killed as a result of their efforts. CACJ's seminar committee and the Forum also rose to the occasion and provided training and articles to our members to help them deal effectively with the new law.

1996: Cris Arguedas

- So how much do you like the fact that it takes a unanimous jury verdict before our clients can be sent off to prison? My year as President was consumed with protecting that right; and I can honestly say that without CACJ, California would be permitting juries to convict based on 11, or even 10, votes.
- It was the era of "law and order", and the Republican Party became aware of the fact that unanimous juries aren't mentioned in the constitution and both Florida and Oregon convict people with 11 votes. They compiled statistics about hung juries and how often the second trial results in conviction [meaning the hung jury was a waste of taxpayer money and time], collected stories about weird jurors who were the "1" creating the hang; and decided to make non unanimous jury verdicts their goal. They ran a bill in the legislature and started preparing a voter initiative.
- So I went to Willie Brown for advice. Willie started his career as a trial lawyer and was 100% on our side. He advised me to get people and organizations who did not look like CACJ, or democrats, or criminal defense lawyers to make our case for us. And that's what we did. We used our Board members to reach out to every Republican and business organization we knew. Those were the days when businesses were starting to feel threatened and vulnerable to state law enforcement agencies who could turn technical environmental violations into crimes.
- So we armed our surrogates with arguments, and we sent them to Sacramento to make our case. I remember being in the audience [CACJ incognito] while a 65 year old Republican lawyer convinced the sitting republicans that freedom itself depended on unanimous juries. Our side was going swimmingly.
- And then we got lucky. A very prominent republican legislator, member of the Judiciary committee, got indicted for 12 felonies relating to election laws. Suddenly, he saw the virtue of unanimous jury verdicts. And the non-unanimous jury verdict idea kind of slipped away.
- My year as president was fun, full of camaraderie, and meaningful work. I made friends that I still have to this day.

1997: Jerry Kenkel

- CACJ first defeats initiative proposed by CDAA then defeats similar legislation proposing an amendment to the California Constitution removing the guarantee of a unanimous jury and adding a constitutional provision for 10-2 verdicts.
- CACJ defeats proposal by the California judiciary for non-unanimous juries; a constitutional amendment allowing the trial judge to accept an 11-1 verdict after the jury had deliberated for at least six hours.

- CACJ defeats the governors death penalty appeals package – proposals would have, among other bad ideas, completely circumvented private counsel in the appellate process and allowed the governor to appoint as head of the proposed Office of Post-Conviction council an attorney with no experience in defending capital cases. The governors' office blamed CACJ for the unraveling of his death penalty legislation.

1998: Marcia Morrissey

- This is the 25th Anniversary of the founding of CACJ, which is celebrated at the Fall Seminar in San Francisco. Michael Tigar, recipient of CACJ's Significant Contributions to Criminal Justice Award, is the Keynote Speaker. CACJ presents awards to the Theodore Kaczynski Defense Team and newly-acquitted Whitewater defendant Susan McDougal. Our Guest of Honor at this celebration is Chief Justice Rose Bird.
- CACJ Legislative Advocate Katherine Sher battles numerous and persistent efforts by lawmakers in Sacramento to expand the application of the death penalty in California.
- The CACJ Forum, ably edited by Kathleen Kahn, is a treasure trove of advice and support for criminal defense attorneys who have to cope with judge-conducted voir dire, and defending an increasing number of death penalty cases at the trial level and in federal habeas corpus proceedings.
- CACJ's membership is rapidly growing, and by the end of the year our ranks total 2,500!

1999: Cynthia Thomas

- Gray Davis begins term as Governor and turns out to be worse than Dan Lungren on crime issues. Davis' hardline approach to crime legislation was a shock to many. Challenged the Juvenile Justice Initiative; educated ourselves and voters about the harsh realities of the initiative which contained provisions of past juvenile justice bills that repeatedly failed to pass the legislature, including mandating juveniles 14 or older charged with murder or "one strike" sex offenses be tried as adults; and giving DAs the power to prosecute juveniles 16 or older as adults or a broad range of crimes, without judicial findings as to fitness.
- The incident at Columbine High School in Colorado served as a wake-up call to everyone and added fuel to the Juvenile Justice Initiative propaganda. SB 334 by Senator Dede Alpert – a "No More Victims Violence Prevention and School Safety Strategy" bill is signed into law making it easier to transfer children to adult court.
- CACJ Past President Jerry Kenkel dies at 54.
- California Supreme Court Justice Rose Bird dies at 63; he first woman public defender, first to teach law at Stanford and first to be elevated to the highest court in the state.

2000: Jon Minsloff

- Y2K began with meetings in Northern California (Nancy Clarence's office) followed by a Southern California meeting (Bob Berke's office), focused on the "graying of CACJ" and ideas to stimulate membership of and for younger attorneys. A successful Death Penalty Conference followed in February. A surprising US Supreme Court decision appeared in June, Apprendi, heads shaking over Justice Scalia's sudden concern for the rights of the accused (Crawford and others in the years to come to confirm the odd twists of Scalia's mind). DNA exonerations were many as Peter Neufeld and Barry Scheck were awarded CACJ's "Significant Contributions to Criminal Justice" honor, following in the wake of those two worthys was the establishment of the Northern California Innocence Project at the Santa Clara Law School. The Ramparts scandal in LA was headline news throughout the summer as CACJ members were on the frontlines of that

disgusting episode. The year ended with a high-powered Fall Seminar featuring Gerry Blank, Lynda Romero, Andrea Lyon, Christina Arguedas, Richard Ofshe, Trina Thompson Stanley, Juanita Brooks, Chuck Sevilla, Gigi Gordan and Tony Serra.

2001: Mia Yamamoto

- Paul J. Fiitzgerald, CACJ past president in 1975, died at age 64, leaving behind friends and colleagues who praised him as a lawyer who fought gallantly even in the most impossible cases – the Manson family murder trial. The consummate criminal lawyer, articulate to the point of eloquence with an encyclopedia knowledge of criminal law. He was the role model we all attempted to emulate.
- Settlement Finalized in CACJ suit to Preserve DA Files – Under the stipulated judgment in *CACJ et al, v. Gilbert Garcetti et al.*, the LA District Attorney's Office will indefinitely retain all files in cases involving a sentence of life or death; and retain felony case files for at least 25 years and misdemeanor case files for at least 5 years; in addition LA County paid \$99,000 to cover plaintiff's attorneys' fees and expenses. The settlement was praised by all parties and ensures that a library of records will be preserved, not destroyed.
- Assembly Member Jackie Goldberg first year as a state assembly member wasn't afraid to vigorously support socially conscious measures including criminal justice reform.
- Prop 36 Guide for Defense Lawyers: In November of 2000 the initiative passed by an overwhelming margin of 61% and marked a significant turning point in California policy governing drug offenders – henceforth to be regarded as a medical problem to be treated rather than a ticket for an endless ride in and out of jails and prisons.
- Legislature begins increasing wiretapping authority of local law enforcement; brazenly widening their way through the capitol taking advantage of the terrorist attacks to further unrelated agendas and strengthen anti-gang and drug laws. The definition of "terrorist proves problematic; some groups urging he definition as anyone who uses a weapon for non-monetary purposes.

2002: Phil Schnayerson

- When I became president of CACJ in 2002, the organization was in the midst of a financial crisis.
- We had two offices, the main one in Los Angeles and another much smaller one in Sacramento where we had a full time lobbyist. Additionally, we had contracted with several hotels for conferences at rates which assured losses to the organization that we would not have been able to cover.
- Very quickly, at my first meeting, the board approved our re-negotiating the contracts with the hotels. The late Bob Burke, a past president, at my request, devoted much to getting this done. Bob was brilliant, hardworking, and this organization owes him a debt of gratitude. Nobody could have done more in resolving this issue in our favor.
- Next, after the board became aware of the problems, we decided to close the Los Angeles office and just have one office in Sacramento, where the major object of our organization, ie legislation, is conducted. The other functions of CACJ be they educational or social could as easily be orchestrated from Sacramento.
- Our executive director could not relocate to Sacramento so we had to pick a new executive director, get an office in Sacramento, and move all the office equipment from Los Angeles to Sacramento. There were issues concerning the leases, the phones, office furniture, and severance pay for the employees in Los Angeles, and the hiring of new staff for Sacramento.
- I recall many predicting it would take 2 years for us to reconstitute the office but it took one month with the help of the officers of CACJ, past presidents, members, and both the old staff

and the new. Everyone realized without this move 2002 could have been the end of CACJ and I found that when I asked members, staff or officers for help I was never refused.

- Even when the member lawyers were busy, and we all were, they gave weekends and nights to reviewing contracts, and interviewing prospective employees to ensure there was no lapse in member services.
- I had hoped my year could have been filled with some legislature work for CACJ but it was not to be. However, I look back at my year as president and am proud of all the members who helped me insure that CACJ could change and survive.
- We are a talented, giving group and I love the men and women of CACJ for proving it day after day and especially the year I was president.

2003: John Cotsirilos

- CACJ legislative committee along with working committee introduce SB-3, prohibiting the execution of the mentally retarded in California, which becomes law.
- As the Bush administration invades Iraq, Amicus committee is on brief on all Patriot Act and Guantanamo Bay related litigation.
- Robert Najera with CACJ amicus support wins *Stogner v California* before the US Supreme Court, striking down new statute of limitations for certain sex-related child abuse charges as violating the ex post facto clause.

2004: Jack Earley

- As organizations go through growth and change the real meaning is reflected in it's executive administrator. There can be no greater achievement then ushering the era and leadership of Gail Jones.
- United States Supreme Court ruling in *Missouri v. Seibert* reiterates for the first time since *Miranda*, the Court's concern that law enforcement agencies throughout the United States are using methodical training techniques urging officers to interrogate without regard to established constitutional principles. Congratulations to Professor Chuck Weisselberg and longtime Amicus Committee co-chair John Philipsborn!
- United States Supreme Court ruling in *Blakely v. Washington* – changed everything we knew to be true in the criminal justice system and sentencing guidelines.
- AB 488 (Parra) – became law immediately upon the signing of the Governor – requiring the Department of Justice to make specified information about sex offenders available to the public via the internet website site and to update that information on an ongoing basis, including the home addresses of certain offenders.

2005: Lynne Coffin

- Lynne Stewart, dedicated lawyer for over four decades was convicted of five counts of defrauding the government, conspiracy and providing support for terrorism. Her case is an example of how far our government is willing to go to deter criminal defense attorneys from defending unpopular defendants. Lynne Stewart was appointed by the Federal Court to represent Sheik Omar Abdel Rahman who is now serving multiple life sentences for conspiring to destroy several Manhattan bridges and tunnels. She was required to sign an agreement with the government to have contact with her client; the agreement contained restrictions known as Special Administrative Measures (SAMs). Attorney General John Ashcroft secretly amended the SAM regulations without notice to the public to allow the Bureau of Prisons to conduct videotape and audiotape surveillance of attorneys communications with people in federal custody.

- Chief Justice William Rehnquist dies September 3, 2005, after serving on the Supreme Court for 33 years and as Chief Justice for 19 years; setting back liberty, equality and human rights perhaps more than any American judge of this generation.
- State Supreme Court Justice Stanley Mosk dies and the criminal defense bar of California lost a steadfast friend and liberty lost a loyal champion.
- December 13th 2005, Stanley “Tookie” Williams was executed at San Quentin, California after Governor Schwarzenegger denied his request for clemency.

2006: Carleen Arlidge

- Proposition 83 – otherwise known as “Jessica’s Law” is introduced; CACJ voices strong opposition and writes the opposing language for the voter’s ballot. CACJ lobbyist Scott Ciment meets with key legislators trying to exclude more defendants from PC 1210 and to determine how the initiative will be funded with an estimated \$120 million price tag to implement it. The initiative is considered over the top but easily passes with over 70% of the vote.
- CACJ Sponsored legislation, SB 1544, the eyewitness Identification reform bill, introduced by Senator Carol Migden to address deep-rooted flaws in identification procedures; passed by the legislature the bill makes it to then Governor Schwarzenegger’s desk, but he chooses to veto the bill
- CACJ presents a special Lifetime Achievement for Justice award to the Honorable Senior Justice Thelton Henderson for his commitment to equality and fairness in the justice system and recognizes Don Spector and the Prison Law Office for their important work over the last 25 years to make California prisons habitable for inmates and for their ongoing work to enforce the constitution and the humane treatment of prisoners through their class actions and impact litigation.

2007: Richard Hutton

- In November of 2006, the California voters passed Proposition 83, also known as the Sexual Predator Punishment and Control Act (SPPCA) or “Jessica’s Law”. This law mandates stiffer prison sentences for many sex-related offenses and broadens the registration requirements for sex offenders under California Penal Code Section 290. Enforcement began in earnest in the late summer of 2007 and many of the radical provisions came under concerted legal attack. Deemed not retroactive – the new law applies prospectively only.
- *People v. Superior Court (Vidal)* (2007) 40 Cal.4th 999 (Is a finding pertinent to Intellectual disability in a death penalty case reviewable by writ? What kind of evidence is pertinent to the finding – CACJ participated in this case at both reviewing levels, Court of Appeal and Supreme Court.)
- The California Supreme Court decided two cases on July 19th, 2007: *Cunningham v. California* held that the portion of California’s Determinate Sentencing Law (DSL) permitting judges to impose aggravated terms for reasons not admitted by the defendant or found by a jury is unconstitutional. The California Supreme Court’s response to *Cunningham* came in two cases: *People v. Black* and *People v. Sandoval* – raising many constitutional issues.

2008: Rick Santwier

- We moved to the new office in Sacramento from downtown to River Park Drive.
- We joint ventured a new seminar in Las Vegas: 1st Annual CACJ/NACDL Annual Forensic Science and Technology Seminar.
- We became "net" friendly which permitted members to access our archives and also allowed staff to process many of their jobs on-line.

- With David Diamond's leadership we held our 1st Annual CACJ National Criminal Trial Advocacy Competition.
- The Legislative Committee continued to grow and become a larger force under the great efforts of lobbyist Ignacio Hernandez, and the steady hands of Bob Sanger and Jeff Stein and many others.
- Hearings were held by the California Commission for Fair Administration of Justice. CACJ was very active in presenting significant death penalty positions under the guidance of Marcia Morrissey and James Thomson. Many favorable defense suggestions came from the Committee's report.
- We fought three main initiatives: Runner's Take Back Our Neighborhoods, Chief Justice George's pet project to return original jurisdiction for death penalty appeals to the Appellate Court, and Marsy's Victim Bill of Rights.
- We saw our annual death penalty seminar grow to over 1500 attendees from all over the country.
- *Flash* emerged on-line.
- Ted Cassman, Ann Moorman and Rich Hutton put us back in the black financially; and the amicus action under Ephraim Margolin, John Philipsborn, and Denise Gragg was second to none.

2009: Ted Cassman

- The year started with a celebration of CACJ's 35th anniversary. At the Awards Luncheon for the Fall Seminar, we honored the organization's founders, 12 of whom attended the event. We also reviewed CACJ's accomplishments and dedicated ourselves to two major legislative objectives for the next decade: Amending the Three Strikes Law to require that the third strike be a violent felony and adopting a Sunset Provision of the registration requirements for non-violent sex offenders.

So, one down and one to go.

- 2009 brought us the full impact of the nation's financial crisis, with its devastating implications for public expenditures. CACJ responded by establishing an indigent defense committee to advocate statewide – and especially in counties in the Central Valley -- for adequate funding of public defender offices and other indigent defense providers. We also hosted and co-sponsored seminars and conferences to raise public consciousness that vigorous indigent defense programs are essential to a fair and democratic society.
- Throughout the year, CACJ played a central role in the continuing movement toward abolishment of the death penalty. Regarding the legislative program, after many years' effort CACJ finally succeeded in raising the threshold amounts for felony grand theft and related offenses and setting up a new sentencing regime that provided fairer custody credits for those clients serving jail and/or prison terms.
- Finally, we must remember that in 2009 CACJ also suffered tragedy with the premature loss of our brilliant colleagues and dear friends, Susan Jordan, Bob Berke, Hugh Manes and Paul Gerowitz.

2010: Ann Moorman

- The year I became President, CACJ had come through several years of rebuilding that left the organization on very solid footing. I had spent five years in one officer position or another and the year I became President, I was lucky because we had many challenges behind us. Our December seminar flourished because of the broad range of topics offered but also because we had heroes to celebrate. Those heroes reminded even the most seasoned among us why we

chose this profession. We were partnering with NACDL to sponsor a forensics seminar that was very useful and popular and the DUI seminar continued to be a bedrock component of DUI defense and a source of fun for all attendees. And of course, the Capital Case Seminar continued to be a central component for effective capital case defense and nationally recognized as the place to meet and learn from the best of the best in defense.

- Looking in new directions, we were evaluating how CACJ could assist in the new effort to repeal the death penalty in our state by working alongside Death Penalty Focus and the ACLU.
- Another new area of outreach for the organization that is worthy of special mention is the Mock Trial Competition for law school students. It was started during the years I was an officer and has grown to be academically sophisticated and well respected nationally. The sheer exposure law students and their instructors/professors have to CACJ through this event not only builds respect for the organization, and provides valuable experience for budding litigators but it also ignites in new lawyers the passion of working for the accused.
- Without abusing the space allotted to me for this retrospective, in looking back I think CACJ's presence in the State Legislature and on the political field was and continues to be something no one should ever under-value or overlook. Our annual day of lobbying and the work of the Legislative Committee and lobbyist Ignacio Hernandez gave us a seat at the table in the legislative process that is critical to any hope of protecting the rights of the criminally accused. It was not until I was President that I really understood the positive and important impact CACJ has in Sacramento. You might not see it if your practice is in another part of the state or your focus is elsewhere but I assure you, it's an essential component of CACJ's purpose and it DOES make a difference. I am proud to have been afforded the opportunity to serve with so many committed defense attorneys as an officer of CACJ and prouder still to know that CACJ continues in its role is a strong voice for the voiceless.

2011: Jeff Stein

- What emerged was the need to maintain and reinvigorate the health and vitality of CACJ, first and foremost. Our organization, born as it was from the turmoil of the 60's, urgently sought to reach out to newer and younger lawyers, as a means to enhance the viability of the defense bar, to insure the continued health and vitality of CACJ and the well-being of the clients we serve.
- CACJ remained actively involved and vital in the Sacramento scene, impacting and shaping legislation affecting criminal practice.
- The core leadership met at Boalt Hall in Berkeley for a mid-year retreat, a periodic process of self-examination and visioning of how to optimize the organization's role in positively serving the defense community and the clients.
- A first-ever technology seminar brought together new ideas and tools to allow the members to take optimal advantage of the resources that have become available.

2012: Christopher Chaney

- I was lucky to be in the audience the year that President Ted Cassman made the memorable "mom speech." You remember, in a packed ballroom Mr. Cassman's speech was a dialogue between he and his mom about all of the things he wanted to accomplish as the President of CACJ. One of the centerpieces of that speech was his commitment to changing the three strikes law. As I sat there listening to him as a member of the board I thought that it would take several years, probably at about the time that I became president, that we would be able to see any results from that three strikes battle.

- However in 2012, there was a tidal wave of activity in support of abolishing the death penalty and that became the major issue of my presidential year. While we fought the good fight, and took the necessary steps toward eventually eliminating the death penalty, quietly, and almost without fanfare there was a major revision to the Three Strikes Law. Just as Mr. Cassman and everyone else had hoped for.
- While fighting those big battles 2012 was also a year of minor accomplishments. CACJ moved their offices, amended the bylaws, increased membership benefits, reworked employee benefits, continued our membership push, solidified our contracts and contacts with CPDA, continued website development, and put on our first technology seminar.

All and all, a memorable year indeed.

2013: Robert Sanger

- This is CACJ's 40th Anniversary. Our membership numbers are growing again. There is renewed interest in our organization among new lawyers as well as seasoned practitioners. Our Executive Director, Gail Jones, and the CACJ staff, our Lobbyist, Ignacio Hernandez and his staff and the Officers as well as Committee Chairs and volunteer CACJ members put in thousands of hours of work this year on behalf of the criminal defense bar in this State.
- Among the many accomplishments of CACJ through the work of this incredible group of people are the following:
- CACJ sponsored a bill, proposed by Vice President Scott Sugarman, AB 721 (Bradford), which became the first new law in ten years in California to eliminate a felony offense. Our Legislative Committee, Chaired by Steve Reese and Eric Schweitzer, and our Lobbyist, supported other successful legislation and helped defeat dozens of senseless bills that would have cut corners on the rights of the accused and impaired the defense function.
- CACJ, under the guidance of Seminars Chair, Jeff Thoma, expanded its continuing education programs by adding a component directly oriented to newer practitioners. Planning is being completed for a new seminar, Criminal Law 101, to be held next Spring and "101" introductory tracks have been added to existing programs. The New Lawyers Division (NLD), Chaired by Gerissa Santos, has stepped up its Newsletter and is offering newer lawyers valuable assistance in developing criminal defense skills.
- CACJ has continued to be a force in state and national issues affecting criminal defense and criminal defense lawyers. Matt Guerrero, as Secretary and Chair of both the Indigent Defense and Public Information Committees, led CACJ in the effort to make our voice heard on numerous issues, including the funding cut backs for federal CJA Panel attorneys and budget cuts for public defenders around the State. Executive Director Jones has also teamed with other NACDL Affiliate Executive Directors to petition Congress on this issue. Amicus Committee, under the Chair of John Philipsborn, has tirelessly continued to file briefs on behalf of CACJ in significant cases.
- CACJ, through the work of Co-Chairs Thoma and Steve Dunkle, reinvigorated the Hotline that provides assistance to CACJ Members if they encounter an emergency situation, such as the threat of being held in contempt. CACJ has revised the Contempt Manual and we have also gathered experienced practitioners from around the State to respond to requests for assistance.
- CACJ has continued its fight against the death penalty. Susan Kwan has continued to represent CACJ in the Coalition to End the Death Penalty (which became the SAFE Campaign

to pass Proposition 34) and CACJ is continuing to work with our sibling organization Death Penalty Focus (DPF) to bring capital punishment to an end. In addition, CACJ has continued through its Death Penalty Committee, Chaired by Nancy Haydt and Bob Boyce, to try to work with the Courts to resolve cases while making sure that there is adequate funding for those that are being litigated. CACJ Planning Committee Co-Chair, Russ Stetler, has continued to produce the Capital Case Defense Seminar, in Monterey, in addition to which, CACJ produced two regional death penalty trainings; one at the University of Irvine and the second at the Riverside Public Defender's office.

- Through the incredible work of Cris Lamb, Julie Traun and David Diamond, as well as numerous volunteers, CACJ held its 5th Annual National Criminal Trial Advocacy Competition. This competition drew teams from law schools across the country and was a tremendous success in providing education about the function of lawyers in defending the accused.
- CACJ's Forum continues to provide topical articles on current cases, legislative actions, amicus filings, and death penalty committee reports and much more thanks to the steadfast leadership of Stephen Dunkle and Raphe Goldman with the assistance of our Executive Director, Gail Jones.